

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

SIEMENS PRODUCT LIFECYCLE
MANAGEMENT SOFTWARE INC.,

Plaintiff,

v.

DOES 1- 107,

Defendants.

Case No.: 4:18-cv-02344

JURY TRIAL DEMANDED

MOTION TO EXTEND TIME FOR PLAINTIFF TO SERVE DEFENDANTS

Plaintiff Siemens Product Lifecycle Management Software Inc., (hereinafter “Siemens” or the “Plaintiff”), files this Motion to Extend Time for Plaintiff to Serve Defendants (the “Motion”) pursuant to Federal Rule of Civil Procedure 6(b) to avoid dismissal of the action pursuant to Federal Rule of Civil Procedure 4(m).

1. Plaintiff filed its Complaint on July 9, 2018. (Docket No. 1.) The current deadline to serve Defendants is December 10, 2018. (Docket No. 9.)

2. Given the nature of the action, Plaintiff was without information sufficient to fully identify the Defendants on the date the Complaint was filed. To identify these Defendants, Plaintiff sought, and the Court granted, leave to serve third-party discovery on Charter Communications (“Charter”), the Doe Defendants’ internet service provider. *See* Plaintiff’s Motion for Discovery. (Docket Nos. 4, 8.)

3. On September 10, 2018, Plaintiff served a subpoena upon Charter to obtain the identity of the Doe Defendants.

4. Charter responded to Plaintiff’s subpoena on October 25, 2018 withholding the

subscriber information for those Doe Defendants that had objected to disclosure of their identifying information and for whom notice was still pending.

5. Doe Defendants that had objected (Does 19, 27, 36, 55, and 94) moved to quash the subpoena of Charter and/or to dismiss the Complaint. (See Docket No. 30.) Ultimately, on November, 8. 2018, the Court denied these motions while granting certain protections to identifying information. (Docket No. 37.) Plaintiff advised Charter of the Court's ruling and is awaiting information from Charter regarding the identity of these Doe Defendants.

6. As for the Doe Defendants for which notice was pending, Charter recently (on November 21, 2018) provided Plaintiff with identifying information and Plaintiff is evaluating those Defendants to determine if service is necessary and proper.

7. Plaintiff has not yet received identifying information about for those Doe Defendants that had objected, and only recently received the information for other Doe Defendants. Accordingly, Plaintiff's request the Court extend the deadline for Plaintiff to serve Defendants with Plaintiff's Complaint by 60 days.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiff, pursuant to Fed. R. Civ. P. 6(b), respectfully requests the Court extend the deadline for Plaintiff to serve Defendants with Plaintiff's Complaint to February 10, 2019 from the current December 10, 2018 deadline set forth by Fed. R. Civ. P. 4(m).

DATED this 6th day of December 2018.

/s/ Robert R. Riddle

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CERTIFICATE OF CONFERENCE

I hereby certify on December 6, 2018, Robert Riddle, counsel for Plaintiff, contacted Joshua Verde and Steve Vondran, counsel for Defendants, by email and Moss Gropen, counsel for Defendant, by telephone, and asked if Defendants oppose this motion. Counsel for Defendants have not indicated if they oppose this motion.

CERTIFICATE OF SERVICE

I certify that the above document was served via email or the Court's CM/ECF system to all counsel of record on December 6, 2018.

/s/ Robert R. Riddle

Robert R. Riddle